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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/508,019	03/06/2000	WOLFGANG STROHMEIER	10191/1239	8203

26646 7590 02/11/2004

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NEW YORK, NY 10004

EXAMINER

GARY, ERIKA A

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 02/11/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/508,019

Applicant(s)

STROHMEIER, WOLFGANG

Examiner

Erika A. Gary

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-14 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-14 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 8, 10-11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagashima et al., U.S. Patent Number 5,537,673 (hereinafter Nagashima) in view of Burrell, U.S. Patent Number 5,910,882 (hereinafter Burrell).

Regarding claim 13, Nagashima discloses, in Fig. 1, a car radio for receiving a broadcast radio program, comprising:

a front panel (10) including a horizontally positioned holder (12) and a radio circuit for receiving a broadcast radio program (see col. 3 lines 19-24, 56-58);

a detachable handset (20) capable of functioning as one of a control unit for a car radio and a telephone, the handset being inserted into the horizontally positioned holder in the front panel of the car radio and providing a control signal to the radio circuit (see col. 6 lines 46-51, col. 1 lines 51-55);

a screen (23); and

control keys (22) provided with labeling;

wherein the front panel includes at least one further control key for controlling the car radio, the at least one further control key being positioned adjacent to the horizontally positioned holder (fig. 14, col. 7: line 66 – col. 8: line 2).

However, Nagashima fails to explicitly recite the orientation of the labeling on the control keys.

In an analogous art, Burrell discloses, in Fig. 7, a handset (2) the handset being inserted into the horizontally positioned holder in the front panel (see col. 6 lines 60-67). In addition Burrell discloses control keys (14) provided with a labeling oriented along a first axis that is rotated out of a usual vertical alignment of the handset in a mounted position by an angle between 30 and 60 degrees in a direction of a longitudinal axis of the handset in order to render the labeling easy to read in each one of a plurality of operating positions of the handset (see col. 5 lines 3-10).

In addition, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nagashima's control keys with the easy to read labeling taught by Burrell. One of ordinary skill in the art would have been motivated to make this modification because it makes the labeling easier to read regardless of the position of the handset (see col. 5 lines 6-10 of Burrell).

Regarding claim 8, Burrell further discloses that the first axis of the labeling is rotated 45 degrees in relation to the direction of the longitudinal axis of the handset (see col. 5 lines 3-10).

Regarding claims 10 and 11, Burrell discloses that the direction of a display on the screen is capable of being changed in order to adjust the screen to one of the

Art Unit: 2681

plurality of operating positions (see col. 4 lines 44-59) and that the handset includes a position sensor for changing the display on the screen (see col. 6 lines 3-11).

3. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination system of Nagashima and Burrell as applied to claim 13 above, and further in view of Lindeman et al. (U.S. Patent Number 5,926,119).

The combination system of Nagashima and Burrell disclose everything as applied to claim 13 above. In addition, Burrell discloses labeled control keys having different shapes and different functions (14, 16, 84 in Figure 1). However, Burrell does not explicitly recite elongated keys oriented perpendicular to the first axis of the labeling.

In an analogous art, Lindeman discloses, in Figure 1, a keypad wherein one key (160) is elongated and oriented perpendicular to the axis of labeling. The advantage of making this key elongated is "to further facilitate location using only the sense of touch" (see col. 2 lines 25-37).

It would have been obvious to one of ordinary skill in the art at the time the invention was to modify the control keys of the combination system of Nagashima and Burrell to include labeled elongated keys oriented perpendicular to the first axis of labeling, as taught by Lindeman, for the purpose of facilitating the location of those keys. 6.

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination system of Nagashima and Burrell as applied to claim 13 above, and further in view of Gottlieb (U.S. Patent Number 4,737,656).

The combination system of Nagashima and Burrell disclose everything as applied to claim 13 above. However, Nagashima and Burrell fail to explicitly recite that the handset serves as a remote control for the car radio.

In an analogous art, Gottlieb discloses a remote control unit for a car radio to allow a driver to conveniently control the radio (see col. 1 lines 5-12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the car radio of the combination system of Nagashima and Burrell to include a remote control for enhancing driver convenience, as taught by Gottlieb. 7.

5. Claims 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination system of Nagashima and Burrell as applied to claim 13 above, and further in view of Oberlaender (U.S. Patent Number 6160997).

The combination system of Nagashima and Burrell disclose everything as applied to claim 13 above. In addition, Nagashima's handset includes at least one soft key (22) for selecting radio stations (see col. 3 lines 56-58), the at least one soft key being positioned adjacent to the screen (23) (see Fig. 1).

However, Nagashima fails to explicitly disclose that the at least one soft key selects stored radio stations.

In an analogous art, Oberlaender discloses a similar invention wherein at least one soft key selects stored radio stations (see col. 3 lines 38-46).

Further regarding claim 16, it would be obvious to reproduce the stored radio stations on the screen adjacent to the at least one soft key to visually ensure the user that the correct desired station is being selected.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the soft keys of the combination system of Nagashima and Burrell to select stored radio stations, as taught by Oberlaender. One of ordinary skill in the art would have been motivated to make this modification because it makes the car radio more convenient for quickly finding stations.

Response to Arguments

6. Applicant's arguments with respect to claim 13 have been considered but are moot in view of the new ground(s) of rejection. The Examiner contends that the combination of Nagashima and Burrell is proper as both references teach a detachably mounted handset. Further Burrell provides specific motivation for the labeling orientation on the control keys [col. 5 lines 6-10].

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika A. Gary whose telephone number is 703-308-

Art Unit: 2681

0123. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh N. Tran can be reached on 703-305-4040. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750 or to the 2600 Customer Service Office at 703-306-0377.

Any response to this action should be mailed to:

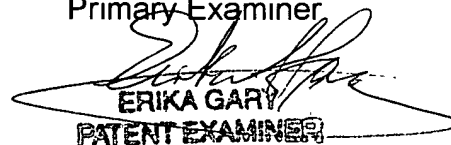
Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9306 (for informal or draft communications, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive Arlington, VA., Sixth Floor (Receptionist).

Erika Gary
Primary Examiner



ERIKA GARY
PATENT EXAMINER

EAG
February 3, 2004